

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jun 01, 2020**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISMAEL ANTONIO PERDOMO-  
CASTRO, also known as Ismael  
Antonio Cruz-Castro,

Defendant.

No. 4:19-cr-06056-SMJ

**ORDER REJECTING PLEA  
AGREEMENT**

A sentencing hearing occurred in the above-captioned matter on June 1, 2020 by videoconference with Defendant's consent. Defendant Ismael Antonio Perdomo-Castro was present, represented by Paul Shelton and J. Chad Mitchell, and assisted by a court-certified interpreter. Assistant U.S. Attorney Richard Burson appeared on behalf of the Government. At the hearing, the Court rejected the parties' Federal Rule of Criminal Procedure 11(c)(1)(C) plea agreement and advised Defendant of his right to withdraw his guilty plea and proceed to trial, or continue the sentencing hearing to consider the matter or to confer further with his attorneys. After so advising Defendant, the Court recessed the hearing and permitted Defendant to confer privately with his attorneys through the interpreter.

1           Upon reconvening the hearing, Defendant notified the Court that he did not  
2 wish to withdraw his guilty plea and instead wished to proceed to sentencing  
3 immediately. The Court inquired of Defendant concerning his ability to evaluate  
4 that decision with the advice of his attorneys and whether he understood he had the  
5 right to withdraw his guilty plea, proceed to trial, and exercise various rights he  
6 waived by pleading guilty. Defendant explained he did, and the Court therefore  
7 proceeded to sentencing after brief remarks from counsel for the Government, for  
8 Defendant, and from Defendant himself. A formal judgment memorializing the  
9 sentence the Court imposed will follow. This Order memorializes and supplements  
10 the Court's oral ruling concerning the rejection of Defendant's guilty plea.

11           Based on its review of the factors set forth in 18 U.S.C. § 3553(a), the Court  
12 concludes that the plea agreement's contemplated sentence is less than necessary,  
13 and therefore insufficient, to reflect the seriousness of the offense, promote respect  
14 for the law, provide just punishment for the offense, afford adequate deterrence to  
15 criminal conduct, and protect the public from further crimes.

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1 Accordingly, **IT IS HEREBY ORDERED:**

2 The parties' Federal Rule of Criminal Procedure 11(c)(1)(C) plea  
3 agreement, **ECF No. 36**, is **REJECTED**.

4 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and  
5 provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals  
6 Service.

7 **DATED** this 1<sup>st</sup> day of June 2020.

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9 SALVADOR MENDOZA, JR.  
United States District Judge